

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOSE LUIS REYNALDO REYES-CASTILLO,  
a/k/a “Molesto,”  
DAVID ARTURO PEREZ-MANCHAME,  
a/k/a “Walter Melendez,”  
a/k/a “Herbi,”  
JOEL VARGAS-ESCOBAR,  
a/k/a “Momia,” and  
ALEXANDER DE JESUS FIGUEROA-  
TORRES,

Defendants.

Case No. 2:19-cr-00103-GMN-MDC

**ORDER GRANTING DEFENDANT PEREZ-  
MANCHAME’S MOTION TO STRIKE (ECF  
No. 168) SURPLUSAGE FROM SECOND  
SUPERSEDING INDICTMENT**

The Court GRANTS the Defendant David Arturo Perez-Manchame (“Perez-Manchame”) *Motion to Strike (ECF No. 168)*(“Motion”) which seeks to strike the special findings at pp. 54:19-56:09 in the *Second Superseding Indictment (ECF No. 141)*, pursuant to Fed. R. Crim. P. 7(d). The special findings that Perez-Manchame seeks to strike at pp. 54:19-56:09 of the *Second Superseding Indictment* are aggravating factors regarding Perez-Manchame that are relevant for a capital prosecution and commonly referred to as *Ring* factors. *See Ring v. Arizona*, 536 U.S. 584 (2002).

Federal Rule of Criminal Procedure 7(d) provides that “[u]pon the defendant’s motion, the court may strike surplusage from the indictment or information.” *Id.* One purpose of Rule 7(b) is to give a defendant the opportunity to strike “immaterial or irrelevant allegations in an indictment or information, which may, however, be prejudicial.” *United States v. Laurienti*, 611 F.3d 530, 546 (9th Cir. 2010). Defendant Perez-Manchame argues that the special findings at pp. 54:19-56:09 are immaterial, irrelevant,

and prejudicial because the government is not seeking the death penalty and thus, the *Ring* factors are not applicable. The government does not dispute that those special findings are immaterial and irrelevant and stipulates to “strike the *Ring* factors from the second superseding indictment if the case proceeds to trial in its current posture strike.” *Response, ECF No. 214 at 3:2-3*. The government suggests that it could seek the death penalty under a certain February 5, 2025, U.S. Attorney General memorandum titled, *Reviving the Federal Death Penalty and Lifting the Moratorium on Federal Executions*, which provides, in relevant part: “The Attorney General’s Capital Review Committee is directed to review no-see decisions in all pending capital-eligible cases (i.e., death-eligible cases that have not yet resulted in a conviction) charged between January 20, 2021, and January 19, 2025.” *Id. at 3, n. 2*.

Defendant Perez-Manchame replies he was charged with this death-eligible case outside of the perimeters of the memorandum, e.g., Perez-Manchame was charged on April 30, 2019. *Reply, ECF No. 226; see also ECF No. 1 pp. 1-11.*<sup>1</sup>

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<sup>1</sup> Defendant Jose Luis Reynaldo Reyes-Castillo (“Reyes-Castillo”) initially filed a *Joinder* (*ECF No. 177*)(“Joinder”) to the Motion, which the Court denied without prejudice and an opportunity to file an amended joinder (*ECF No. 233*). Defendant Reyes-Castillo did not file an amended joinder but instead emailed the Court the following:

**From:** Richard Wright <[rick@wmllawlv.com](mailto:rick@wmllawlv.com)>  
**Sent:** Wednesday, March 5, 2025 12:37 PM  
**To:** Court\_MDC <[Court\\_MDC@nvd.uscourts.gov](mailto:Court_MDC@nvd.uscourts.gov)>  
**Cc:** John Balazs <[balazslaw@gmail.com](mailto:balazslaw@gmail.com)>; mlevy\_wmllawlv.com <[MLevy@wmllawlv.com](mailto:MLevy@wmllawlv.com)>; Smith, Melanee (USANV) <[Melanee.Smith@usdoj.gov](mailto:Melanee.Smith@usdoj.gov)>; [steven.rose@usdoj.gov](mailto:steven.rose@usdoj.gov)  
**Subject:** FW: Activity in Case 2:19-cr-00103-GMN-MDC USA v. Reyes-Castillo et al Minute Order

Hello. Regarding the Minute Order below, please advise the Honorable Magistrate Judge Maximiliano D. Couvillier, III, that during the Pretrial Conference yesterday the government advised Judge Navarro and the Defendants that the No Seek decision stands and the case will proceed to trial as a no death penalty case. The government advised that the special findings will be stricken from the indictment. Therefore, Defendant Jose Luis Reynaldo Reyes-Castillo will not be filing an amended Joinder by March 7<sup>th</sup>. Rick Wright.

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While the Court appreciates the notice, counsel should respond to the Court’s Minute Orders with a formal filing, for the record.

**ORDER**

For the foregoing reasons,

**IT IS ORDERED** that defendant Perez-Manchame's Motion (*ECF No. 168*) is **GRANTED** and the special findings at pp. 54:19-56:09 in the *Second Superseding Indictment (ECF No. 141)* are struck per Fed. R. Crim. P. 7(d).

Dated: March 10, 2025



Hon. Maximiliano D. Couvillier III  
United States Magistrate Judge